THE

CASE

OF

Protestant Dissenters,

OF LATE

PROSECUTED;

On old Statutes made against PAPISTS, and POPISH RECUSANTS;

The two thirds of whose Estates are Seized into the KINGS Hands, and the Profits thereof Levyed Yearly.

And many other Prosecuted for 20 *l.* a Month, to the Ruine of many Families.

LONDON,

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THE CASE OF Protestant Dissenters, &c.

IT'S not unknown, That amongst other Sufferings of Protestant Dissenters, this late Prosecution on old Statutes made and designed against Papists and Popish Recusants hath not been the Least, and that which makes it appear the more strange, is, *That from the making of the said Statutes in the time of* 2. Eliz. *until within the space of* 4 *or* 5 *Years last past*: *The like Prosecution of* Protestant Dissenters *hath not been known.* Besides; which the very Statutes themselves, upon which Protestant Dissenters are thus Prosecuted, appear to be designed against *Popery and Popish Recusants only*, however now extended, and the severity thereof executed chiefly on Protestant Dissenters,

And that the said Statutes, when made, were designed against *Papists*, and not against *Protestants*, will appear by examination of the Preambles and Purport of the same,

And observe The Statutes upon which Protestant Dissenters are thus of late Prosecuted, convicted for 20*l* a Month, and two thirds of their Estates seized into the King's Hands, are three (*viz.*) the 23d. and 28th. of Eliz. and the 3d. of K. James.

1*st*. As to the first of these (*viz.*) that of the 23*d*. of *Eliz.* It is intituled, An Act to retain the Queens Majesties Subjects in their due Obedience.

And what subjects those were, who in those days were disobedient, and stood in need of this Act, History and Tradition can well inform; but besides that, the Preamble of the Act will plainly evidence. Which runs thus,

"Where sithence the Statute made in the 13*th*. Year of the Reign of the "Queen our Sovereign Lady, Intituled, An Act against the bringing in and "putting in execution of Bulls, Writings and Instruments, and other su"perstitious Things from the See of Rome, divers evil-affected Persons have "practised, contrary to the meaning of the said Statutes, by other means "then by Bulls and Instruments, Written or Printed, to withdraw divers the "Queens Majesties Subjects from their natural Obedience to obey the said usur"ped Authority of Rome, and in respect of the same to perswade great num"bers to withdraw their due Obedience from Her Majesties Laws, &c.

"For reformation whereof, and to declare the true meaning of the said Law,

"Be it Declared and Enacted, by the Authority of this present Parliament, "That all Persons, &c.

In this Preamble we may clearly understand a double or two-fold end, for which this Statute was made and provided (*viz.*) for *Reformation and Information*.

1*st*. For Reformation (*viz.*) of such who withdrew the Queens Subjects from their natural Obedience to the usurp'd Authority of *Rome*, as the preceding Words are.

2*dly*, For Information in these Words (*viz.*) *To declare the true meaning of the said Law* (*viz.*) the Law of the 13*th*. of the *Queen*, which the said Statute recites, which said Law was provided against *bringing in and putting in execution of Bulls, Writings, Instruments and other superstitious Things from the See of* Rome.

And if we read the said Statute, it gives an account, That those Bulls were brought from *Rome* to absolve and reconcile such who forsook their Obedience to the Queen, to yield and subject themselves to the Popes usurp'd Authority.

So the Design of the said Statute was to prohibit such Bulls on pain of High-Treason, and to prohibit the bringing into the Realm *Tokens or Things called* Agnus Dei, *Crosses, Pictures, Beads, and such like vain and superstitious Things*, which being consecrated by the Pope, *&c.* divers Immunities and Exemptions were said to be granted. As that Statute words it.

So that this Statute of the 23*d*. of *Eliz.* appears to be a Supplementary Act, and Explanatory, of the 13 of the said Queen against the bringing in of Bulls, Agnus Dei, Crosses, &c. and therein also provides against Withdrawing any the Queens Subjects to the Romish Religion (which that Age conceived so dangerous.)

So that they first make it Treason to withdraw any from the Queens Obedience or Religion (then established) to the Romish Religion, or to obey the Authority of the See of Rome, or other Prince.

They 2*dly*. make it Treason to be reconciled or drawn to the Romish Religion.

They 3*ly*. make it Misprision of Treason to be Aiders, Maintainers or Concealers of such as perswaded others to withdraw themselves.

They 4*ly*. provide the Penalty of 200 Marks, and a Years Imprisonment, for such as shall Say or Sing *Mass*, and then Enact generally;

5*ly*. That all *Persons* above the age of 16 *Years*, which shall not repair to Church once a Month, shall forfeit for every Month 20 *l*. Upon which is the present Prosecution against Protestants.

Now it's very evident by the Statute of the 13th. of the Queen, and by this of the 23d. of the Queen, That

1*st*. The ffences provided against by these Statutes were the bringing in of Bulls, Agnus Dei's, Crosses, Pictures, Beads and such like vain and superstitious Things.

2*ly*: The

2ly. The Persons offending were the Importers or Spreaders thereof; Persons perswading or withdrawing others, or themselves to the Romish Religion, or See of Rome, and Sayers and Singers of Mass. And to be Aiders or Maintainers of such.

So we conceive the Execution thereof was never intended, and hope (by such Provision as the Parliament in Wisdom shall see meet) will not be extended to Protestant Dissenters, as of late years it hath been, contrary to all former Usage and Practice.

And that these Words All Persons, shall be such only, whom the Statute in express Words and Terms complains of, as only dangerous; and by such Pains and Penalties thereby intended to be reform'd.

The 2d. Statute on which such Prosecutions against Protestants are grounded is, that of the 28th. of the Queen; the Title bespeaks it what it is (viz.) An Act for the speedy Execution of certain Branches made in the 23d. Year of the Queen — which is the Act to retain the Queens Majesties Subjects in their due Obedience. The same which is before repeated. And provides *against fraudulent Conveyances which might be made to defraud the* Q. *of her* 20 l. *per Mensem*: And orders the Conviction to be return'd into the Exchequer, and process to be made out thence to collect it, or for Non-payment, two 3ds. of their real Estate to be seized into the Queens Hands, &c.

So that until the 3d. of King *James* (a time memorable to all Protestants, for the great Deliverance from the Gun-Powder-Plot) the former Laws continued without alteration or supplement. And in the 3d. of that King's Reign was made a Statute, Intituled, An Act for the better discovering and repressing Popish Recusants. Which is the third Statute on which are prosecuted Protestant Dissenters, by the whole series of which Statute it will appear, that *Protestants were intended to be secured, but never intended to be prosecuted by it, as they are of late days.*

And I may repeat the preamble of the Statute, which will sufficiently Evidence the *Intent* and *Design* thereof.

Which runs thus, (viz.)

FOrasmuch as it is found by daily Experience, that many his Majesties Subjects that adhere in their Hearts to the Popish Religion, by the infection drawn from thence, and by the Wicked and Devilish Counsel of Jesuites, Seminaries and other like Persons, dangerous to the Church and State; are so far perverted in point of their Loyalty, and due Allegiance unto the King's Majestie, and the Crown of England, as they are ready to entertain and execute any treasonable Conspiracies and Practices, as evidently appeareth by that more than Barbarous and Horrible attempt to have blown up with Gun-Powder the King, Queen, Prince, Lords and Commons, in

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the Parliament Assembled; tending to the utter Subversion of the whole State, lately taken by the instigation of Jesuites and Seminaries, and in advancement of their Religion, by their Scholars taught and instructed by them to that purpose: Which attempt by the only Goodness of Almighty God was discovered and defeated. And where divers Persons Popishly-affected, do nevertheless (the better to cover and hide their false Hearts, and with more safety to attend the Opportunity to execute their mischievous Designs) repair sometimes to Church to escape the punishment of the Laws in that behalf provided!

For the better discovery therefore of such Persons and their Evil-affections to the King's Majesty and the State of this His Realm; to the end, that being known, their Evil-purposes may be the better prevented. Be it Enacted by, &c. That every Popish-Recusant convict, or hereafter to be convicted, &c.

In which there is no mention made of other than Popish-Recusants not one Word of *Protestant Dissenters*, or Recusants, or other Dissenters or Recusants then Popish only. Besides, enquire into the Statute.

It provides, that Popish Recusants conformed, or afterward to conform, *should once a Month take the Sacrament of the Lord's Supper in their Parish-Church*, as in §. 2d. Inflicts the Penalties of 20 *l.* 1st. year, 40 *l.* the 2*d.* and 60 *l.* the 3*d.* year for such Popish Recusanss not receiving the *Sacrament*, as in §: 3*d.*

It Enacts that the Church-Wardens and Constables of every Town, &c, for the time being; or if none, the chief Constable of the Hundred, &c. shall present the Names of all Popish Recusants, and the Children of the said Recusants, of 16 years old, as in §. 4*th.*

4*ly*, This Statute of the 3*d.* of K *James*, recites the afore-said Statute of 23. *Eliz.* by which the said Recusants (*viz*) Popish, forfeit the 20 *l.* *per Mensem*, as in §. 10.

5*ly*. And also recites the afore-said Statute of 28 Eliz. *directing how the Q. should recover the* 20 *l.* per mensem, *by seizure of two* 3*ds. of the real* Estate *of such convicted Recusants*. After which recital, it is therein alledg'd, that the 20 *l.* *per mensem* is a Burthen to the poor, and ease to the rich; who keep large Estates in their own hands which (as says the Statute) they do for the most part imploy [as Experience hath taught] *In the maintainance of Superstition and Popish Religion, and to the relief of Jesuites, Seminaries, Priests and other dangerous Persons to the State.* And ———

So it's clearly aparent by the delineation and explanation of Offender and Offences throughout this Statute.

As 1st. Offenders (*viz.*) *Jesuites, Seminaries*, and such like persons, dangerous to *Church and State, Persons Popishly-affected, adhering in their Hearts to the Popish Religion* ——— To cover and hide their false Hearts, and the better,

and

and with more ſafety to attend their miſchievous Deſigns, repair ſometimes to Church, &c. Perſons ready to execute any Treaſonable Conſpiracies and Practices.

2ly. Their Offences or Deſigns (*viz.*) *That horrible Attempt to blow up with Gun-Powder the King, Queen, Prince, Lords and Commons in Parliament. And this to advance their Religion, and to Subvert Church and State.*

And ſo throughout the whole *Statute*, the Perſons enjoyned to take the *Sacrament*, to be preſented by Conſtables, and ſuch like, are *Papiſts*, perſons *Popiſhly-affected*, adhering to the *Popiſh* Religion and Popiſh Recuſants.

By all which we hope it clearly appears, That thoſe *Statutes* were intended againſt Popiſh Recuſants only, and not againſt *Proteſtant Diſſenters* or Recuſants in general, nor any other than Popiſh, and hope that the Proſecution of Proteſtant Diſſenters (as they have been of late) is and now at preſent are, an extending the ſenſe of thoſe *Statutes* beyond Right Reaſon, and the intent of the *Law-makers*. —All which is ſubmitted to the *Judgment* of the *Parliament Aſſembled*, to *Conſider* and *Redreſs*, as they in *Wiſdom* ſhall ſee meet.

And this following Declaration is humbly offered as a Teſt to diſtinguiſh between PROTESTANTS and PAPISTS.

I A. B. *Do Solemnly and in good Conſcience Profeſs, Teſtify, and Declare, that I do not believe that the Church of* Rome, *or* Papal Church, *is the true Church, out of which there is no Salvation*; *or that the* Pope or Biſhop of Rome is Chriſt's Vicar, *or head of the true* Catholick Church *on Earth*; *or that either he or the See of* Rome, *hath any Authority Derived from Chriſt or his Apoſtles, to be head of the true* Catholick Church. *Or that the* Pope *or the See of* Rome *joyntly or ſeverally hath any Juriſdiction or Supremacy over the ſaid* Catholick Church *in general, or my ſelf in particular*; *or that the* Pope *hath any Power to depoſe Princes, or to abſolve Subjects of their Allegiance, on any account whatſoever*; *or that it belongeth to the* Pope *or Authority of the Church or See of* Rome, *to be ſole Judge of Spiritual matters, or of the ſence of Holy Scriptures*; *or that the* Pope *or his Clergy hath power to Pardon Sins, paſt, preſent, or to come, or to grant or give Indulgences for Sin of any kind ſoever*; *or that their Doctrine*

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of Purgatory, or Prayer to or for the Dead, is according to the Doctrine of the Holy Scriptures; or the Virgin Mary, or any other Saint or Angels ought to be Worshipped or prayed unto, or are Mediators between God and Man; there being no Mediator but Christ Jesus only. Or that the Elements of Bread and Wine, at or after the Priest hath pronounced his Words of Consecration, are Transubstantiated, or the whole or any part of the substance of the Bread or Wine, is at all changed into the Flesh or Blood of Christ, or that the Sacrifice of the Mass as it is now said to be used in the Church of Rome, is other then Superstitious and Idolatrous.

And I do solemnly in the Presence of God, Profess and Declare, that I do make this Declaration, and every part thereof, in the plain and ordinary sence of the Word read unto me; As they are commonly understood by English Protestants, without any Evasion, Equivocation or Mental Reservation whatsoever; And without any Dispensation already granted me for this purpose by the Pope, or any other Authority or Person whatsoever, and without any hope of any such Dispensation from any Person or Authority whatsoever, or without thinking that I am or can be acquitted before God or Man, or Absolved of this Declaration or any part thereof; Although the Pope, or any other Person or Persons or Power whatsoever, should dispence with or pretend to annul the same or declare that it was null and void from the beginning.

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